

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DAVID O'BLOCK,
Plaintiff,

v.

J.J.B. HILLIARD, et al.,
Defendants.

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No. 3:05-CV-239
(Phillips)

ORDER

This matter came before the court on plaintiff's motion to compel arbitration [Doc. 20]. Plaintiff has moved the court for an order referring the instant case to mediation and to consolidate it with the mediation in the case of *Michael Shell v. J.J.B. Hilliard*, Civil Action No. 3:05-cv-245. Defendant opposes the motion, stating that plaintiff O'Block should not join in the *Shell* voluntary mediation because his case bears significant differences from the instant case, and because the parties herein have already engaged in numerous unsuccessful attempts to resolve this matter [Doc. 21].

The court is a proponent of mediation and can on its own order parties to mediation in an appropriate case. E.D.TN.LR 16.4(a). Inasmuch as defendant opposes mediation at this time, the undersigned feels that involuntary mediation would not be effective and could result in unnecessary expense to the parties. Accordingly, plaintiff's motion to compel mediation [Doc. 20] is **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge